

NORTH MACEDONIA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of North Macedonia is a parliamentary democracy. A popularly elected president is head of state and commander in chief of the armed forces. The unicameral parliament exercises legislative authority. Presidential elections were last held in 2019 and won by President Stevo Pendarovski. Parliamentary elections took place in July 2020 after a three-month delay due to the COVID-19 pandemic. In its July 2020 preliminary statement on the parliamentary elections and October 2020 final report, the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights observed the elections were "generally administered effectively amid adjustments in response to the COVID-19 pandemic, but legal stability was undermined by substantial revisions to the electoral code and subsequent ad hoc regulations enacted during the state of emergency." The report characterized the elections as "genuinely competitive" despite politicians' limited ability to conduct outreach during the pandemic. Election day went smoothly.

The national police maintain internal security, including migration and border enforcement, and report to the Ministry of the Interior. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses, including excessive use of force by police and prison guards.

Significant human rights issues included credible reports of: inhuman and degrading conditions and severe overcrowding in some prison units; violence and threats of violence against journalists; cases of serious government corruption; lack of accountability for gender-based and family violence; and for crimes involving violence and threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government took steps to identify, investigate, prosecute, and punish officials who committed abuses or engaged in corruption. The ombudsman believed police

impunity continued to be a problem, but to a lesser extent than in the past.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and laws prohibit such practices, but there were some reports police abused detainees and prisoners and used excessive force. The government acted to investigate and prosecute legitimate claims. The Ministry of Interior's Professional Standards Unit (PSU) reported that during the first seven months of the year, it acted upon 38 complaints referring to use of excessive force by police officers. The unit deemed six of the complaints unfounded, dismissed 30 for insufficient evidence, and upheld two. In the latter two cases, the PSU filed criminal reports against two police officers for "harassment while performing duty."

As of August 1, the PSU had filed criminal complaints with the prosecutor's office against two police officers for excessive use of force. The PSU seized the officers' weapons and ordered them to undergo psychological and psychiatric evaluations. Two separate 2020 PSU disciplinary complaints against two police officers for excessive use of force resulted in the disciplinary commission fining one officer and terminating the other's employment. On November 10, the Bitola Basic Court sentenced one police officer to one year in prison for use of excessive force against a Romani citizen in September 2020.

As of August 20, the ombudsman had received 51 complaints against the police,

including two for police brutality. On the ombudsman's recommendation, the Organized Crime and Corruption Prosecution Office (OCCPO) opened a preliminary investigation into one of the complaints on charges of "mistreatment in the conduct of duty." The ombudsman's review of the second complaint alleging brutality was ongoing as of August 30.

In 15 instances, complainants requested the ombudsman's intervention with the PSU for unlawful, unprofessional, and inappropriate interactions with citizens. Two complaints alleged police misconduct during protests. The ombudsman determined both complaints were well founded and recommended the PSU take disciplinary action against the officers involved. In the first case, the PSU said it could not act because it could not positively identify the involved officer from available video footage. In the second case, it took disciplinary action against the officer for serious violations of established protocols and filed a criminal complaint with the OCCPO. The 51 complaints represented a significant decrease in comparison to the 130 complaints received in the same period in 2020.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Despite physical improvements at some facilities, Idrizovo Prison, which held approximately 45 percent of the country's prison population, continued to operate units that were dilapidated, severely overcrowded, and exposed some inmates to inhuman and degrading conditions. Pervasive prison staff corruption was a significant problem in the prison system.

Physical Conditions: In its most recent ad hoc visit to the country in December 2020, the Council of Europe's Committee for the Prevention of Torture (CPT) reported that, while conditions of detention were generally acceptable in the new open and semi-open regime areas of Idrizovo Prison, squalid, decrepit, and overcrowded conditions continued in the prison's two-story Ambulanta section. Cells were also poorly heated (60 degrees Fahrenheit) and were humid.

The CPT's report on the visit, published on July 29, also noted finding that Idrizovo's "old semi-open unit," which should have been demolished in 2018, was still functioning inside the prison grounds "next to the crumbling ruins of former

workshops and admission unit.” Concerning the semi-open unit, the CPT report stated, “at the time of the visit, there were 91 prisoners accommodated in 14 rooms, several of which were severely overcrowded; for example, 16 persons in a 32 square meter (345 square foot) space. The rooms were in a state of advanced deterioration (crumbling walls, broken window frames and furniture, dangerous improvised electric wiring, holes in the floor and ceiling) and squalid hygiene (vermin infestation, piles of uncollected garbage in cells, and water penetration). The communal sanitary facilities were in a deplorable state with the first-floor toilets emitting a foul stench and covered in feces, dripping taps and water installations, flooded floor, and no functioning artificial lighting.” The CPT report stated: “The conditions within this unit as well as those within the Ambulanta could certainly be described as inhuman and degrading.”

Prison authorities held inmates for long periods without opportunity for movement. For example the July 29 CPT report stated that at Skopje prison, “the regime on offer still resembled a relic of the past. Remand prisoners continued to remain confined in their cells for more than 23 hours per day with no activity on offer apart from 30-45 minutes per day in one of two courtyards, which had still not been equipped with any gym equipment.” While a gym with weight-lifting machines and exercise bikes had been set up, its use was extremely limited and the vast majority of prisoners had not been informed of its existence or that they could access it.

In its *30th General Report* covering 2020 and published on May 27, the CPT noted a numerous problems, including poor management, endemic corruption among prison staff, interprisoner violence, inadequate health care, poor living conditions (particularly at Idrizovo Prison), and the practice of appointing prison directors and their deputies based on political affiliation. The CPT’s report was in line with the ombudsman’s 2020 National Preventive Mechanism’s findings regarding prisons.

Although the corrections system had sufficient capacity, the ombudsman reported overcrowding again became an issue during the year, particularly in some wards of the Idrizovo Prison. The prison system continued to suffer from lack of funding and understaffing. Poor conditions persisted in most police stations, social care facilities, shelters, and psychiatric institutions.

The ombudsman reported August 20 that authorities had renovated Bitola Prison and opened the new Volkovija Juvenile Correction Home, enabling the transfer of 16 juvenile offenders from other prisons to this specialized facility. The ombudsman reported, nonetheless, that prison conditions continued to be generally inadequate, primarily due to insufficient health care and educational/rehabilitation services and a lack of trained staff.

As of August 20, the ombudsman's National Preventive Mechanism had visited nine prisons and correctional facilities, focusing on the treatment of drug addicts as especially vulnerable to cruel and degrading treatment. The ombudsman found that authorities did not provide adequate protection, health care, or treatment to this category of inmates, especially in the Kumanovo Prison. The ombudsman filed a special report with recommendations for mitigating actions to the Ministry of Health. In a follow-up visit to Kumanovo on May 5, the ombudsman noted that authorities had not taken any measures to improve health care for and treatment of inmates suffering from drug addiction since his previous visit.

The Justice Ministry's Directorate for Execution of Sanctions (DES) reported five persons had died in custody as of August 17. DES said one death was a suicide, and the others occurred following prolonged periods of ill health. The ombudsman opened inquiries into the deaths of all five individuals. The investigations were pending as of August 20.

DES received 18 internal notifications of the use of force against inmates by prison police. In all cases the department found the officers acted in accordance with standard operating procedures. There were two complaints alleging torture and inhuman treatment of inmates in Bitola and Kumanovo prisons, the latter alleging guards used excessive force while responding to inmate violence. DES's extraordinary inspection of Bitola Prison could not determine whether the use of force was justified, while the inspection in Kumanovo Prison found the use of force was justified and in line with standard policy and procedures.

Administration: As of August 20, the ombudsman had received seven complaints from detained or convicted persons alleging excessive use of force, brutality, torture, inhuman or degrading treatment, and had reviewed four of them. Two complaints were filed against police officers and five against prison police or

guards. Three accused prison guards of brutality in Prilep, Idrizovo, and Bitola prisons. After conducting field visits, the ombudsman found the complaints involving the Prilep and Bitola prison police were unfounded. Following a complaint against Idrizovo prison police for allegedly mistreating a prisoner during transport to court, the ombudsman issued recommendations to the prison authorities regarding transportation protocols. The ombudsman regularly visited prisons where complaints had been filed to look for evidence supporting allegations of abuse in view of recommending further action.

The ombudsman noted that in general, authorities accepted his recommendations but did not take sufficient action to duly implement them. The ombudsman had full and unimpeded access to all prisons and detention facilities.

Independent Monitoring: The law allows physicians, diplomatic representatives, and representatives from the CPT and the International Committee of the Red Cross access to pretrial detainees with the approval of the investigative judge. In accordance with a 2018 memorandum of understanding, the government granted the Helsinki Committee for Human Rights unrestricted access to convicted prisoners. The ombudsman visited the country's prisons monthly and investigated credible allegations of problematic conditions and treatment.

Improvements: The Ministry of Justice reported making improvements at Idrizovo Prison. The Juvenile Corrections Unit at the Idrizovo Prison female ward was renovated to fully separate juvenile inmates from adults. DES also reported completing renovations at Tetovo Prison.

DES continued training newly employed prison police officers in the Center for Training and Education. The center trained 35 officers on standard operations in institutional settings, the officers' code of conduct, and use of force.

In a July 29 report, the CPT noted DES was restructured to improve its efficiency and prioritize staff training and the probation service. The CPT raised concerns, however, about the continued practice of appointing prison directors and deputy directors from outside the prison system and questioned whether adequate chains of accountability existed that were based on more than political affiliation.

The CPT noted that a decision to award prison staff a 30 percent salary increase, as

well as additional pension entitlements, amounted to recognition of the challenging work carried out by prison officials and was aimed at attracting and retaining qualified candidates to work in prisons.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, as well as to receive compensation for unlawful detention. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law requires that a judge issue warrants for arrest and detention of suspects based on evidence, and police generally followed this requirement. The law prohibits police from interrogating suspects without informing them of their status and their rights and enabling them to obtain a lawyer. The law states prosecutors must arraign a detainee within 24 hours of arrest. A pretrial procedure judge, at the request of a prosecutor, may order detention of suspects for up to 72 hours before arraignment. Police generally adhered to these procedures. Authorities generally informed detainees promptly of the charges against them. Detention prior to indictment may last a maximum of 180 days. Following indictment, pretrial detention may last a maximum of two years.

There is a functioning bail system. In addition to bail, the law allows the substitution of pretrial detention with house arrest or other measures for securing defendants' presence at trial. Common measures include passport seizure, a prohibition on leaving one's place of residence, and an obligation to report to the court on a weekly basis.

The law allows defendants to communicate with an attorney of their choice, but defendants sometimes complained authorities did not provide sufficient time to consult with an attorney prior to arraignment. Indigent detainees have the right to a state-provided attorney, and authorities generally respected this right. Judges usually granted permission for attorneys to visit their clients in detention. Authorities did not practice incommunicado detention. The law provides advisory deadlines to avoid protracted criminal proceedings. Prosecutors should generally

complete investigations within six months, although the deadlines can be extended to 12 months in more complex cases and 18 months in organized crime cases with a supervisor's consent. In practice, prosecutors sometimes exceeded those deadlines citing lack of adequate resources, or cases' complexity. In April the Chief Public Prosecutor instructed prosecutors to review cases in which investigative deadlines were exceeded, resolve any outstanding issues, and improve cooperation with the Ministry of Interior and other institutions.

A June 25 report from the ombudsman's National Preventive Mechanism stated that from January to September 2020, only 15 of the 1,080 persons arrested exercised their right to an attorney at public expense. The report found police officers almost never advised arrestees that indigent persons had a right to request an attorney at public expense, and that many police stations used outdated lists of defense attorneys, with some dating back to 2012. Police stations visited by the ombudsman also did not have updated lists of defense attorneys that had completed specialized juvenile justice training.

In addition to investigating allegations of police mistreatment, the PSU conducted all internal investigations into allegations of other forms of police misconduct. The unit has authority to impose administrative sanctions, such as temporary suspension from work, during its investigations. The unit may not take disciplinary measures, which require a ruling from a disciplinary commission, nor may it impose more serious criminal sanctions, which require prosecutorial action, but it may refer cases as appropriate.

As of August 27, the OCCPO had investigated 68 cases of misconduct by identified police officers and prison guards, including one for unlawful arrest. It also investigated an additional 19 cases allegedly involving criminal misconduct by unnamed police officers or prison guards and reviewed another 115 criminal complaints.

Pretrial Detention: In most cases the courts adhered to the law for pretrial detention procedures. Prosecutors across the country requested detention in 5 to 10 percent of all cases. Usually, prosecutors requested, and the court issued, preventive measures instead of detention orders for suspects and defendants to mitigate flight risk, evidence tampering, and repeating or committing new crimes.

e. Denial of Fair Public Trial

The constitution provides for “autonomous and independent” courts, supported by an autonomous and independent Judicial Council. Instances of judicial misconduct, undue pressure on judges, protracted justice, and inadequate funding and staffing of the judiciary continued to hamper court operations and effectiveness and affected public confidence in the judiciary. Courts continued to operate throughout the COVID-19 pandemic, but with reduced dockets and significant delays. Both the judiciary and the Public Prosecutor’s Office remained underfunded and understaffed. On September 15, the Judicial Council president said general understaffing of both judges and support staff affected efficient administration of justice. As of August 30, the Supreme Court operated with 18 of 28 justices, resulting in heavier workloads than intended, especially for justices from the court’s Penal Cases Division.

A functional analysis by a nongovernmental organization (NGO) found that the Public Prosecutor’s Office operated with 20 percent fewer prosecutors and 31 percent fewer administrative staff compared to its needs assessment. In its 2020 progress report on the country, the EU noted “a decrease of 15 percent for the Public Prosecutor’s Office in allocations of the 2020 state budget.” The law mandates at least 0.4 percent of the state budget be allocated for prosecutors’ budgets.

As of August 31, the Judicial Council had received 479 citizen complaints alleging issues in judicial proceedings. The allegations involved alleged biased or unethical conduct, procedural errors, recusals, and exceeded deadlines. As of November 15, the Judicial Council had not received any complaints by judges alleging threats or case-related pressure.

As of August 20, the ombudsman had registered 187 citizen complaints concerning the judicial system, of which 133 concerned proceedings before the courts and 54 before the Public Prosecutor’s Office. This represented an increase compared with 2020. Most of the complaints concerning proceedings before the courts alleged denial of the right to a fair trial by repeated trial delays, judicial bias, or misconduct, violations of due process, denial of access to effective legal recourse, and failures to respond to discovery. Upon initial review of the complaints, the

ombudsman found the majority did not merit further review. In one instance the ombudsman found a violation of the right to trial in a reasonable time before the Administrative Court and advised the court to take remedial action. Most of the complaints concerning proceedings before the Public Prosecutor's Office alleged protracted inquiries, failure to communicate the status of cases to concerned parties, and discontent with case outcomes. Upon review of the complaints, the ombudsman's office determined it lacked the authority to examine many of the allegations and was often unable to identify any violation of rights.

In December 2020 the Judicial Council adopted methodologies for reviewing judges' performance, also known as "judicial filtering methodologies." According to then Judicial Council president and Supreme Court justice Kiro Zdravev, the methodologies provided an operational framework and timeline for enforcing the Judicial Council's existing legal authority rather than introducing a new vetting mechanism to substitute for the regular four-year performance evaluation cycles of judges. The new filtering methodologies provide specific guidelines for examining subjective and objective reasons for case delay, case obsolescence due to lapsed statutes of limitations, the quality of judicial opinions, including quality rationale or lack thereof, due diligence, court decorum practices, among other reasons.

On September 28, the NGO All for Fair Trials released an analytical report on the Judicial Council's operations, according to which several judges reported that the council did not adequately represent, promote, or defend their interests or judicial independence in general. The report also revealed a perception that the Judicial Council lacks transparency. Interviewees specifically cited the lack of publicly available reasoning to justify the council's decisions for appointing, promoting, disciplining, and dismissing judges.

Between January 2019 and August, the Judicial Council dismissed five Supreme Court justices, mostly for misconduct involving review of the former Special Prosecutor's Office's cases. During the same period, the council also dismissed a dozen other appellate and trial judges for misconduct involving unprofessional and reckless judicial work. Seven dismissals occurred during the year. Many of them have been upheld by Supreme Court-led appellate panels, but a panel reversed July dismissals of a Supreme Court Justice and two appellate court judges in decisions issued in late November and early December. The Judicial Council will re-review

their cases.

Trial Procedures

The constitution and law provide for the right to a fair trial, and the judiciary generally enforced this right.

The law presumes the defendant innocent until proven guilty beyond a reasonable doubt. Defendants have the right to be informed promptly and in detail of the charges against them, in a language the defendant understands, and to be provided an attorney if unable to pay. Sometimes defendants complained about lack of adequate time and facilities to prepare their defense. Defendants have right to fair, timely, and public trial and to be present at their trial, although the law includes an exception to try fugitives in absentia. Defendants have the right to confront prosecution or plaintiff witnesses and present their own witnesses and evidence. They may not be compelled to testify or confess guilt. They have a right to appeal.

Trials were generally open to the public. Citizens continued to complain about insufficient civil enforcement practices, resulting in violations of citizens' rights.

Due to the COVID-19 pandemic, the courts operated with reduced schedules and frequent delays caused by parties, judges, and prosecutors testing positive for the virus or having to quarantine after exposures.

For certain criminal and civil cases, judicial panels of three to five individuals, led by a professional judge, are used. Lay judges assist in all cases where defendants face potential prison sentences of more than five years. Their involvement in cases sometimes created challenges, particularly in cases of their resignation or retirement. One lay judge retirement, combined with the dismissal of a career trial judge in July, led to 20 trials restarting, many of which were in advanced stages, and some of which involved alleged high corruption and were initiated by the former Special Prosecutor's Office (SPO). During the year, high-profile trials were often prolonged on various procedural or health-related grounds.

On February 23, the Skopje Criminal Court found three "Monster" case defendants guilty of terrorism, sentencing them to life imprisonment for the 2012 murder of

five ethnic Macedonians. Two of the defendants were tried in absentia as fugitives and were believed to be in Kosovo. The court found two other defendants guilty of accessory and acquitted the sixth for lack of evidence. In 2014 the Skopje Basic Criminal Court initially convicted all six defendants. The convictions were overturned on appeal, necessitating the retrial.

On July 26, the Skopje Criminal Court issued prison sentences of approximately six years to former speaker of parliament Trajko Veljanoski, former education minister Spiro Ristovski, former transport minister Mile Janakieski, and former Counterintelligence and Security Administration director Vladimir Atanasovski, after finding them guilty of organizing and inciting violence in the April 2017 violent attack on parliament. Related charges against former prime minister Nikola Gruevski and former counterintelligence official Nikola Boshkoski, both fugitives, remained pending. The case prosecutor announced appeals against the sentences for being too lenient since they fell below the proscribed minimum 10-year sentence for this crime. The public raised questions of proportionality, comparing the sentences to the seven to 18-year prison sentences that were initially imposed on 16 defendants convicted of direct participation in the 2017 attack.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens had access to courts to submit lawsuits seeking damages for human rights violations. Individuals may file human rights cases in the criminal, civil, or administrative courts, and in the Constitutional Court, depending upon the type of human rights violation in question and its alleged perpetrator. Individuals may appeal adverse decisions. The law provides the right to timely adjudication of cases and a legal basis to appeal excessive judicial delays to the Supreme Court. The government generally complied with domestic courts' civil decisions. Individuals may appeal cases involving alleged state violations to the European Court of Human Rights after exhausting all domestic legal options.

Backlogs in some civil trial courts and the Administrative Court persisted due to the COVID-19 pandemic and a shortage of judges because of judicial retirements

and a lack of qualified applicants for judicial positions.

Property Seizure and Restitution

The government did not evict persons from their places of residence nor seize their property without due process. The government has laws and mechanisms in place for citizens of the country. The government has no specific laws or mechanisms in place related to the resolution of Holocaust-era claims by foreign citizens, but they may still seek property restitution via civil proceedings. The government made significant progress on resolution of Holocaust-era restitution claims for citizens of the country, particularly after the 2000 Denationalization Law and the 2007 compensation agreement.

In 2000 the Denationalization Law accorded the right to denationalization of property seized after August 1944 to former owners and their successors, in accordance with the provisions related to the right to inherit. It required claimants to have citizenship of the country at the time of the law entering into force.

Advocacy groups reported a small number of foreign citizens, not covered by the 2000 law, still sought restitution. Foreign citizens may apply for restitution in civil proceedings. The Islamic Religious Community of North Macedonia (IRC) continued to claim the government failed to provide appropriate and timely restitution for property seized during the period of the Socialist Federal Republic of Yugoslavia, often alleging this was due to the high value of objects allegedly taken. Among the disputed property is the Husamedin Pasha Mosque in Shtip that was nationalized in 1955. The IRC claimed the government prevented it from regaining rightful ownership of the mosque complex. The IRC also continued to seek restitution for properties in Skopje's old bazaar.

In April the Constitutional Court rejected a petition to rule on the constitutionality of Article 64 of the Denationalization Law following the Ministry of Transport and Communications' sale of property in central Skopje that had been the subject of a denationalization process since 2003.

As of mid-August the ombudsman had received 28 complaints concerning denationalization of property seized by the Socialist Federal Republic of Yugoslavia, compared with 14 in the same period in 2020 (27 at year end). The

ombudsman noted there were major difficulties and procedural oversights in denationalization cases and ascribed many delays to lax work by the Ministry of Finance's denationalization commission, as well as ineffective collaboration with the Administrative Court and other government agencies. This situation persisted even though the 2000 Denationalization Law stipulates the denationalization procedure is urgent in nature. According to the ombudsman, the Ministry of Finance's denationalization commission was ineffective in acting on the ombudsman's recommendations to address outstanding issues.

Members of 36 families in Ohrid protested several times during the year, including in June, claiming that authorities had failed to properly compensate them for land parcels nationalized by the state in 1957.

In February the government allocated approximately 707 million denars (\$13.3 million) in bonds to compensate citizens whose denationalization claims were approved in 2019. It allocated an additional 492 million denars (\$9 million) in August for citizens whose applications were approved in 2020.

The country is party to the 2009 Terezin Declaration. The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in July 2020, can be found on the Department's website at: <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions during the year.

The law prohibits the possession, processing, and publishing of any content, including wiretapped conversations, that violates the right to privacy involving personal or family life. The law also prohibits the use of such materials in election campaigns or for other political purposes. The Operational Technical Agency is responsible for conducting lawful intercepts in the country. It serves as the technical facilitator of operations for legal interception of communications, operating with its own budget separately from the Ministry of Interior.

Although there was a Council for Civilian Oversight of Wiretapping, it was not functional as of September 16. In June 2020 the president and the deputy of the council resigned, citing lack of operational resources. Parliament endorsed their resignations March 25.

On February 26, the Skopje Criminal Court convicted former Administration for Counterintelligence and Security director Sasho Mijalkov and 10 of his associates in the former SPO-initiated “Target-Fortress” trial for orchestrating the illegal wiretapping of more than 20,000 citizens between 2008 and 2015 and for destroying evidence. The court sentenced Mijalkov to 12 years in prison and remanded him in custody pending appeals. Former minister of interior Gordana Jankulovska, already serving a four-year prison sentence in the SPO-initiated “Tank” case, was sentenced to four years in prison. Two former counterintelligence staffers and current fugitives, Goran Grujevski and Nikola Boshkovski, were sentenced in absentia to 15 years in prison.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. According to the country’s Association of Journalists of Macedonia (AJM), however, law enforcement and judicial authorities’ response to instances of third-party violence toward and intimidation of journalists was slow and inefficient.

As of September 20, the Skopje Public Prosecutor’s Office reviewed 17 criminal complaints alleging threats and physical or online attacks against journalists. The prosecutors found three of those complaints merited further prosecutorial inquiries and three were referred to the Ministry of Interior for qualifying as misdemeanors. The remaining 11 did not merit prosecutorial review for lack of evidence proving criminal conduct.

Freedom of Expression: The law prohibits speech that incites national, religious, or ethnic hatred and provides penalties for violations. Individuals may criticize the

government publicly or privately. The Helsinki Committee for Human Rights and other human rights and media freedom activists reported an increase in hate speech. On August 16, the committee issued a press release condemning insults and belittling of medical doctors, voiced during August 15 antivaccination protests in Skopje. In a press release, the AJM condemned vulgar messages and insults against media crews that covered the protests.

As of September 20, the Skopje Public Prosecutor's Office had reviewed eight criminal complaints alleging conduct criminalized as "spreading racist and/or xenophobic materials via computer system" under the criminal code. Prosecutors dismissed three of the cases and ordered further inquiries into the remaining five.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: While outlets and reporting continued to be largely divided along political lines, the number of independent media actively expressing a variety of views without overt restriction continued to increase. Laws that restrict speech inciting national, religious, or ethnic hatred also cover print and broadcast media, publication of books, and online newspapers and journals.

Central government advertising on commercial channels is banned, but local government advertising is permissible. The state continued to subsidize print media. Budget funds were allocated to media to mitigate the impact of COVID-19. The state subsidized paid political ads in commercial media for the campaign leading to the October 17 municipal elections.

On April 1, media reported that on March 31, based on financial police criminal reports, the Skopje Public Prosecutor's Office filed a summary indictment on tax evasion charges against a company that reportedly owns Alfa TV, a commercial television station with national coverage. According to the charges, the company evaded approximately 62.5 million denars (\$1.2 million) in taxes on 2013/2014 income. In a May 19 press release, Alfa TV complained about pressure from the financial police for investigating the station's financial and program operations in 2019 and 2020 and from Ministry of Interior inspectors for inspecting the station's 2013-2020 commercial operations. The actions were reportedly executed in accordance with OCCPO orders.

In December 2020, following an open call, the government allocated 30 million denars (approximately \$570,000) to 11 print media outlets to cover part of the 2020 printing and distribution expenses. In response to a recommendation in the State Anticorruption Commission's National Anticorruption Strategy, advising the government to introduce more specific subsidizing criteria to avoid "not purposeful spending of awarded funds," the government mandated beneficiaries submit expenditure reports in the second half of the year.

The Media Ethics Council continued to work on promoting self-regulation. As of August 25, the council had received 95 complaints of unethical reporting and fake news, which was 10 percent lower than the number received in the same period in 2020. More than 90 percent of the complaints were related to unethical reporting. On March 5, with assistance from the OSCE Mission to North Macedonia, the council launched a set of ethical guidelines for online media to help develop credible online media self-regulation and to strengthen independent, professional, and accountable reporting. The guidelines urged transparent ownership of online outlets and appointing editor(s) who would be accountable for published content, including from third parties.

Violence and Harassment: There were cases of physical violence, alleged threats, and harassment against journalists during the year.

As of August 27, the AJM registered two cases of attacks on journalists. One was a physical attack against a MIA state news agency cameraman by protestors attending a February 26 protest against the court verdicts in the "Monster" trial. The other case involved repeated death and rape threats made by a person identified as Arben Esati on Facebook in March against several local journalists from Tetovo. Esati was reportedly the son of a retired anesthesiologist from Tetovo who offered his help to Serbia's president to fight the COVID-19 pandemic. Following a request from the AJM, police filed criminal charges against the individual for threatening violence and as of August 27, the case was pending before the Public Prosecutor's Office. The AJM received 20 additional complaints from journalists related to insults received while on duty, inappropriate conduct of central and local government officials or political party members, as well as a lack of institutional transparency.

The Skopje Criminal Court reported there were three pending cases involving journalists as of August 25. During the year the Skopje Appellate Court upheld a Skopje Criminal Court verdict sentencing two defendants to one-year-and-two-months each, and another defendant to a three-year prison sentence for participating in a violent crowd that attacked and seriously injured a television cameraman, among others, during protests.

Tanja Milevska, a Brussels-based correspondent for state news agency MIA, continued to receive death and rape threats from anonymous Twitter and Facebook users, which she reported to police in December 2020 and again on August 23. As of August 25, the Ministry of Interior's motion to request international legal assistance to obtain information from the social media platforms was pending with the Skopje Public Prosecutor's Office.

In December 2020 the Skopje Civil Court denied several civil compensation lawsuits filed by a group of journalists and media staff in April 2020, in which they requested financial and moral compensation from the state for violating their right to freedom of speech in connection with the April 2017 storming of parliament. The court denied the lawsuits from journalists Dushica Mrgja and Natasha Stojanovska, citing lack of evidence.

On April 15, the European Federation of Journalists joined its affiliate, the AJM, in a motion challenging the court's 2020 ruling denying former journalist Goran Trpenoski's related lawsuit. The two organizations claimed the ruling violated European legal standards on press freedom and appealed to the court to revise it. As of August 27, the three cases were pending review before the Skopje Appeals Court, and related lawsuits from four other journalists were pending before the Skopje Civil Court.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

The government did not restrict or disrupt access to the internet or censor online content. There were no reports the government monitored private online

communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. The ombudsman received two complaints alleging violations of the right to freedom of peaceful assembly and association. One complaint alleged that police officers prevented protesters from marching along an authorized route during February 26 protests against the “Monster” trial verdict. The Ministry of Interior advised the ombudsman that disciplinary action could not be taken due to the ministry’s inability to identify the police officers involved. The other complaint alleged the police interfered with a June 8 protest by members of the VMRO-DPMNE political party by unlawfully arresting one protester. The Ministry of Interior took disciplinary action against one police officer and referred the case to the OCCPO for further investigation.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/international-religious-freedom-reports/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

A “state of crisis” has been in force for border areas adjacent to Greece and Serbia since 2015. It has been extended by the government every six months, most recently on April 20. The state of crisis is in effect until December 31. The state of crisis allows the government additional authorities to regulate the entry and transit of migrants and deploy additional resources as needed. Since the closure of the “Western Balkans route” in 2016, migrants apprehended in these areas were regularly sheltered in temporary transit centers, near the border, and returned to the

country from which they entered within days. No freedom of movement was ensured for migrants while in the transit centers or the reception center for smuggled foreigners, nor was a formal removal or readmission procedure established.

With the onset of the COVID-19 pandemic, authorities designated the Vinojug Temporary Transit Center as a quarantine facility for asylum seekers, migrants with medical needs, and migrants identified as witnesses in criminal proceedings against migrant smugglers. Overall responsibility for the transit centers was divided between the Crisis Management Center, the Ministry of Labor, and the Border Police, but the legal status of both the Vinojug and the Tabanovce transit centers had not been defined as of September 15.

There was no judicial oversight regarding the decision to accommodate migrants and asylum seekers in Temporary Transit Center Vinojug, which became a closed center, with the persons accommodated there subjected to limited freedom of movement for the duration of the COVID-19 quarantine period. When the government lifted most COVID-19 restrictions related to freedom of movement, measures remained in effect for some migrants and asylum seekers.

A total of 1,397 persons were temporarily accommodated in transit centers in the first nine months of the year: 1,094 in Tabanovce, near the border with Serbia; and 303 in the Vinojug transit center, near the border with Greece.

As of September 30, only 70 migrants remained in the country, including seven from Afghanistan, although Afghans represented the highest number of migrants (more than 40,000) attempting to enter from Greece. The other migrants went northward through Serbia or were pushed back into Greece.

The law provides that freedom of movement may only be restricted in extraordinary circumstances. It permits, for example, movement restrictions to allow time to determine an individual's identity and citizenship, or to establish the facts and circumstances of his or her asylum request, particularly if the subject has been determined to be a flight risk. The law also permits restrictions to protect order and national security, and when a foreigner is retained for the purposes of initiating a procedure for his or her return or expulsion.

Authorities did not exert pressure on migrants to return to their country of origin.

The ombudsman determined that the Ministry of Interior sometimes made arbitrary decisions to restrict freedom of movement, including in cases involving unaccompanied minors. During the year the ombudsman reviewed two cases alleging restricted freedom of movement of two unaccompanied minors, both foreign nationals.

In-country Movement: There were no in-country movement restrictions for residents, nor for any person under the mandate of the UN High Commissioner for Refugees (UNHCR), though a lack of personal identification documents (such as an identification card, birth certificate, etc.) by stateless persons often made them unable to exercise their right to freedom of movement.

Convention Travel Documents (CTD) are regulated by law; however, the CTD forms are not machine readable and therefore not compliant with International Civil Aviation Organization standards. The UNHCR office in Skopje was not aware of CTDs being used for travel outside the country.

The UNHCR office in Skopje estimated that approximately 14,000 persons transited the country from January 1 to August 31, but neither UNHCR nor the International Organization for Migration (IOM) registered any hate crimes against them. UNHCR did not note any in-country movement restrictions for internally displaced persons (IDPs), refugees, or stateless persons. According to the EU's border and coastguard agency, Frontex, 22,600 migrants, mostly from Syria and Afghanistan, were encountered along the so-called Balkans route that includes North Macedonia during the first seven months of the year. This was twice as many individuals as were encountered in the same period in 2020.

Citizenship: Several resident ethnic Albanians' citizenship applications were pending resolution. Some Roma were still assumed to be noncitizens, despite persistent efforts of the state to regulate their status, according to civil society organizations (CSOs). Estimates were that approximately 800 Roma did not have citizenship. The majority of these were unable to obtain citizenship in the period following the country's independence from the former Yugoslavia, due to illiteracy or lack of awareness of relevant bureaucratic processes. Consequentially, a few

Roma were unable to obtain new national identification documents or provide proof of the required residency.

The ombudsman monitors the implementation of the Law on Citizenship, including amendments adopted in July and designed to facilitate granting citizenship to undocumented persons who were residents in the country before its independence in 1991. The ombudsman received 16 complaints alleging unjustified delays in citizenship applications. According to him, most of those delays resulted from the National Security Agency's "arbitrary and subjective" adjudications that protracted security vetting procedures.

The Ministry of Interior reported that 71 long-time residents had applied for citizenship under the amended Law on Citizenship's provisions; as of September 30, 13 of those had been approved.

e. Status and Treatment of Internally Displaced Persons

According to the Ministry of Labor and Social Policy, as of September 30, 109 persons from 26 families remained displaced from the 2001 internal armed conflict. Of them six individuals from three families lived in collective housing centers, and 103 individuals from 23 families lived in private accommodations or with host families. Permanent housing remained a problem for IDPs, although the government covered their monthly rent.

The government provided protection and assistance and supported safe, voluntary, and dignified returns as well as resettlement or local integration of IDPs. There were no reports of IDPs suffering abuses.

Despite having no national policy document specific to IDPs, the government generally observed the UN Guiding Principles on Internal Displacement. On January 5, the government adopted a Social Protection Program which instructed the Ministry of Labor to focus on programs designed to assist with the sustainable return of IDPs to their places of origin.

f. Protection of Refugees

The government cooperated with UNHCR, the IOM, and other humanitarian

organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, migrants, stateless persons, persons granted subsidiary protection, and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

UNHCR assessed asylum processes continued to improve, and previous concerns regarding a practice of arbitrarily denying access to asylum seekers had been addressed. UNHCR reported, however, that the mechanism for adjudicating refugee status failed to provide basic procedural guarantees and proper determinations as prescribed in the law.

As of June 30, a total of 30 persons had applied for asylum. No one was granted international protection during the year, and no one has been granted refugee status since 2016. All asylum requests registered in the country were processed through the Reception Center for Foreigners. Due to COVID regulations, all asylum seekers were initially placed in a two-week quarantine at Temporary Transit Center Vinojug before transfer to the reception center for asylum seekers in Skopje. The country's legal framework provides for procedural safeguards and review during the asylum procedure.

There were several disputes concerning the application of some safeguards, including at the judicial level. For instance, although legally permissible, in practice the court refused all hearing requests made by asylum seekers. Likewise, the administrative courts continued to avoid ruling on the merits of asylum applications, despite having the requisite authority. Instead, they routinely returned cases to the Ministry of Interior for further review, which resulted in the ministry endorsing its initial decisions.

The practice of returning migrants apprehended in North Macedonia to the country from which they entered North Macedonia continued. Authorities resumed proper screening and registration of all migrants as of end of January after the process had been put on hold in March 2020 due to COVID measures.

UNHCR and partner organizations had limited access to migrants accommodated in the two temporary transit centers close to the border. Protection information

was not always made available to individuals in the centers.

The government issued identity documents to recognized refugees and persons under subsidiary protection, but authorities frequently delayed issuance of identity documents to new asylum seekers. Once issued, these identity documents often did not contain a personal identification number, which in turn limited individuals' access to several government services, including access to education and social welfare programs.

Safe Country of Origin/Transit: The country adopted a list of safe countries of origin, comprising all EU member states, neighboring countries, and several other countries, including Bosnia and Herzegovina, Montenegro, Turkey, Russia, Egypt, Ethiopia, the United Arab Emirates, and Nepal. The concept has yet to be applied.

Abuse of Migrants and Refugees: Authorities took measures to combat and detect cases of migrant smuggling and trafficking by utilizing the support of mobile teams and a task force consisting of representatives from the Ministry of Interior and prosecutors from the OCCPO. The October 2020 European Commission report noted that individuals transiting the country without authorization remained targets of organized criminal groups engaged in people smuggling, who often extorted or abused them.

According to UNHCR, there were reports of violence against migrants from smugglers or other with whom they were traveling. In some instances there were reports of border guards acting violently towards migrants.

According to the ombudsman, the government placing migrants at the Vinojug Transit Center without issuing individual written detention decisions was a problem in that it limited the freedom of movement of those persons without adequately documenting each case. The ombudsman maintained that most migrants placed in the transit center were simply kept there to ensure their testimonies in the trials against their smugglers, based on requests and oral orders from case prosecutors.

The IOM stressed the movement of migrants through the Western Balkans route was facilitated by smuggling networks, which exposed migrants to significant risks of abuse and exploitative practices, including trafficking in persons.

There were infrequent reports of incidents of sexual and gender-based violence against migrants, allegedly by smugglers. Most migrants in transit were working-age single men.

Authorities provided adequate mechanisms to protect migrants, refugees, asylum seekers, and stateless persons from abuse. A multisector system and standard operating procedures (SOPs) were in place to provide adequate protection to vulnerable individuals from gender-based violence, including SOPs for Processing Vulnerable Categories of Foreign Nationals, SOPs for Dealing with Unaccompanied and Separated Children, and SOPs for Treatment of Victims of Trafficking. UNHCR and the European Commission noted the system needed strengthening to ensure universal and systemic application of the SOPs, especially regarding case identification.

Freedom of Movement: According to UNHCR, authorities continued to detain individuals intercepted while traveling through the country without documentation. The grounds for detention decisions were arbitrary. As a rule individuals are supposed to be detained only until their identity can be established. They were routinely detained after identification, however, to prevent them from departing the country prior to providing legal testimony against their smugglers.

The average detention period of asylum seekers during the year was 15 days, with the longest period being 45 days and the shortest period one day.

Employment: There are no restrictions on refugees' ability to work, and the law allows asylum seekers whose asylum procedure is not completed within nine months to apply for a work permit.

Recognized refugees and persons under subsidiary protection with work permits were able to access the active labor market. Nevertheless, asylum seekers faced restrictions because of conflicting laws. Refugees also faced practical difficulties, such as language barriers and a lack of procedures for recognizing skills or validating foreign diplomas. By law a foreigner needs to have a unique identification number assigned to be issued a work permit. Although an asylum seeker has the legal right to apply for a work permit nine months after applying for asylum, she or he has no right to be assigned a unique identification number until

asylum is granted. Consequently, an asylum seeker has the right to work but is unable to exercise it. This represents a serious gap in protection since cases sometimes remain pending for two to three years.

Access to Basic Services: Asylum seekers had the right to basic health services while their claims were pending. The same applied to the right to education. Refugees have the right to full health care provided under the same conditions as it is to citizens.

Durable Solutions: The law provides for naturalization of refugees residing in the country under preferred conditions. Individuals under subsidiary protection may naturalize after eight years of legally residing in the country. During the year, one refugee and one person under subsidiary protection were naturalized. The country does not allow children to automatically acquire North Macedonia's citizenship at birth if they are also citizens of another country.

Under the law the Ministry of Labor, in cooperation with the Ministry of Interior and UNHCR, should facilitate the voluntary return of asylum seekers to their home countries. There were no cases of assisted voluntary repatriation during the year.

During the year none of the more than 200 individuals who remain in the country from the 1999 conflict in Kosovo returned to Kosovo with UNHCR assistance.

UNHCR continued to assist rejected asylum seekers from Kosovo, whom the government allowed to stay in the country. The government issued them provisional identification documents to secure access to services. The Ministry of Labor provided integrated, durable solutions with the support of UNHCR for 138 refugees who applied for integration into the country. The ministry provided social assistance, housing assistance, and access to education, health care, and the labor market.

Temporary Protection: The government could provide subsidiary protection to individuals who may not qualify as refugees. As of September 30, one person was granted subsidiary protection during the year.

g. Stateless Persons

The country lacks a comprehensive, official data collection system and statistics on the number of stateless persons in its territory. The 2002 census recorded 17,652 individuals “without citizenship.” A new census was conducted in September, and final results are expected in 2022. Some habitual residents remained legally stateless. According to consolidated statistics from the government, UNHCR, and NGOs, there were 554 stateless persons registered in the country at the end of July. Children born in the country to stateless persons have access to birth registration and certification. They are considered nationals, provided they reside legally or permanently in the country for at least six years.

A government program to register persons without documents was initiated in late 2018. In February 2020 parliament adopted an interim law to facilitate their registration in the Public Birth Registry. On June 3, the deputy ombudsman said the law’s implementation was inconsistent due to a series of practical obstacles, and she recommended the interim law, which was set to expire on June 30, be extended for another year. According to the deputy ombudsman, as of April, 70 percent of the identified unregistered persons had not yet applied for registration; 659 individuals had applied, of whom 397 (60 percent) were children and had been entered in the Public Birth Registry. The Ministry of Labor estimated that most individuals lacking both civil registration and documentation were Romani children at risk of statelessness.

On July 29, parliament amended the Law on Citizenship to provide long-time residents additional paths to obtain citizenship. The amendments were made after ethnic Albanian opposition parties claimed more than 7,000 ethnic Albanians resident in the country had been unjustly denied the right to possess citizenship.

A local NGO, the Macedonian Young Lawyers’ Association, criticized the law for being adopted in a “nontransparent way.” The NGO further characterized the law as being ill-targeted to solve the problem of stateless persons, noting it placed individuals with citizenship of another country in a more favorable position relative to stateless individuals.

Despite basic protections against arbitrary detention and some safeguards to

prevent and reduce statelessness, there is no mechanism to identify and determine statelessness in the country, no stateless protection status, nor any route to acquiring citizenship for the stateless in the country. Significant gaps remain, which hindered the country's progress towards compliance with international standards for the protection of stateless persons and prevention of statelessness. Barriers to universal birth and civil registration continued to disproportionately affect minority groups, including Roma, Ashkali, and Balkan-Egyptians.

Stateless persons could not benefit from legal employment and did not have access to the courts or governmental services. There were no reports of physical violence against stateless persons because of their lack of identity documents but they were not able to access COVID-19 vaccination or any rights for which an identity document and a personal identification number are required (e.g., health insurance, education, social assistance, etc.).

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Early parliamentary elections were held in July 2020. The OSCE/ODIHR report on the elections concluded, “The early parliamentary elections were generally administered effectively amid adjustments in response to the COVID-19 pandemic, but legal stability was undermined by substantial revisions to the Electoral Code and subsequent ad hoc regulations enacted during the state of emergency.” The report continued that “the campaign, although negative in tone, was genuinely competitive and participants could deliver their messages despite limitations on traditional outreach” and “election day proceeded smoothly, despite technical challenges in publishing results and concerns related to voter registration.” A popular election for president was held in two rounds in April and May 2019. Stevo Pendarovski won the election. The OSCE/ODIHR report on the elections concluded, “in the well administered [second round] to the presidential election, continued respect for fundamental freedoms allowed voters to make an informed choice between candidates.” The report also noted

shortcomings in campaign rules reflected broader deficiencies in the electoral law, and the transparency of campaign finance was lacking due to incomplete reporting.

On August 7, the commission for Prevention of and Protection Against Discrimination found the State Election Commission discriminated against 1,218 young citizens during the 2019 presidential elections. These individuals turned 18 between the first and second rounds of the election but were not permitted to vote during the second round.

Political Parties and Political Participation: There were few restrictions on forming or joining political parties, which were subject to the same laws as ordinary citizens. While membership in a political party was not mandatory, there was an active patronage system in the country through which parties conferred special benefits and advantages to their members. The opposition VMRO-DPMNE Party accused the government of continuing these practices, alleging party membership overrode educational and professional qualifications prescribed by law for public administration positions.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and women and minorities did participate. The law requires gender diversity in each political party's candidate list for parliamentary and municipal elections. At least 40 percent of a party's candidates must be of the lesser represented gender. As of November 4, a total of 49 of the 120 members of parliament were women, and four women served as ministers in the prime minister's 20-member cabinet. Two of the 81 mayors were women.

Members of smaller ethnic minority groups continued to complain of inequitable representation within government and discriminatory practices that excluded them from political participation. There were eight ethnic Albanian ministers in the 20-member government cabinet. As of November 1, there were 32 ethnic Albanian members of parliament, including the speaker of parliament, and three Turkish, two Serb, one Romani, one Vlach, one Bosniak, and one Jewish member of parliament.

The ombudsman reported some improvement in the equitable representation of the

smaller nonmajority ethnic communities in the public administration ranks but not at the managerial level. The exceptions were ethnic Albanians, the largest nonmajority community, who participated in the government at the ministerial level.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials. The government generally implemented the law, but there were reports officials engaged in corruption. NGOs stated the government's dominant role in the economy created opportunities for corruption. The government was the country's largest employer. According to the Minister of Information, Society, and Administration, as of the end of December 2020, there were 131,183 persons employed in the public sector. Previously, some individuals on the government's payroll did not fill real positions in the bureaucracy. On January 19, the government adopted a plan for assigning 1,349 civil servants paid by the Ministry of Political Systems and Community Relations – who at that time did not encumber a real position – to specific jobs across 237 government institutions. On April 27, the government dismissed the State Market Inspectorate director, Stojko Paunovski, for refusing to enforce the government decision assigning 35 civil servants to his institution.

On April 18, parliament adopted the 2021-2025 National Strategy for Countering Corruption and Conflict of Interest, along with the implementing action plan. On July 14, the government adopted a 2021-2023 National Strategy for Strengthening Capacities for Financial Investigations and Confiscation of Property as part of its plan for fighting corruption and provided for a commission to monitor the strategy's implementation.

Corruption: On July 15, the president of the State Commission for the Prevention of Corruption and Conflict of Interest (SCPC), Biljana Ivanovska, stated that despite the growing perception of corruption in the judiciary, only 20 percent of the complaints submitted to the SCPC involved the judiciary, indicating a gap between perception and experience.

On April 13, as part of the former SPO-initiated “Treasury” case, the Skopje Criminal Court convicted former Administration for Counterintelligence and Security director Sasho Mijalkov, as well as three former associates, for misuse of office involving the fraudulent procurement of surveillance equipment from a United Kingdom-based company, resulting in illegal kickbacks of approximately 52 million denars (\$996,000). The money was funneled through Finzi, a company owned by Mijalkov’s then business associate, Orce Kamcev, who was at the time in detention related to a separate criminal trial. The court sentenced Mijalkov to eight years in prison and ordered his continued detention, after determining he was a flight risk. The court also issued an approximately 37 million denars (\$703,000) asset forfeiture order against the defendants, and a separate, approximately 9.8 million denars (\$190,000) vehicle forfeiture order against Kamcev’s now-defunct Finzi company.

On April 16, police arrested former advisor to the Prime Minister’s Cabinet and government secretary general Dragi Rashkovski. Rashkovski was arrested following an OCCPO investigation into the fraudulent procurement of traffic monitoring software for the Ministry of Interior. Rashkovski announced his resignation April 12 and was under house arrest. The OCCPO indicted Rashkovski and six others for misuse of official position and authority and money laundering for rigging public procurements of four software solutions between 2017 and 2021 and executing financial transactions intended to hide the criminal proceeds. As of November 15, the indictment was pending confirmation before a three-judge panel of Skopje Criminal Court to proceed to trial. On July 23, prison police transferred former chief special prosecutor Katica Janeva from house arrest to Skopje’s Idrizovo Prison following the Skopje Appellate Court’s decision to uphold her 2019 conviction in the “Racketeering” case. Janeva was sentenced to seven years in prison for misuse of official position when she was special prosecutor and tasked with prosecuting high corruption. The “Racketeering” trial’s lead defendant, Bojan Jovanovski (aka Boki 13), was transferred to prison to serve his nine-year prison sentence on July 22.

Section 5. Governmental Posture Toward International and Nongovernmental Investigation of Alleged Abuses of Human

Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often willing to listen to these groups but were also sometimes unresponsive to their views. During the year several ministries hosted working group meetings that included members of civil society.

Government Human Rights Bodies: The ombudsman and the Commission for Prevention of and Protection against Discrimination (also known as the Antidiscrimination Commission) worked to protect citizens from infringement of their rights by public institutions, reduce discrimination against minority communities and persons with disabilities, promote equitable representation in public life, and address abuses of children's rights.

As of August 15, the Antidiscrimination Commission received 108 complaints alleging discrimination. An initial review of the complaints showed that three related to education, 18 to the right to political belief, five to sex and gender, 21 to personal or social status, one to sexual orientation, one to disability, and one to age. Some complaints cited intersectional grounds.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of men and women, including spousal rape, is illegal. Penalties for rape range from one to 15 years' imprisonment, but those laws were poorly enforced. Domestic violence is illegal but was a persistent and common problem. Penalties range from six months to five years imprisonment for lower-level offenses and one to 10 years imprisonment for crimes resulting in grave or permanent bodily injury. Offenders could receive up to life imprisonment if their actions resulted in the death of their victim. Additionally, courts may impose fines. The law is enforced in cases where victims press charges, but many do not.

In January parliament adopted a Law on Prevention of and Protection from

Violence against Women and Domestic Violence. The law was designed to help prevent and protect against gender-based and domestic violence and guard victims' fundamental human rights and freedoms.

From January to June, the Ministry of Labor registered 789 victims of domestic violence, of which 530 were women.

CSOs reported that as of May, the courts had reviewed 171 motions from victims of violence against women or domestic violence who requested protection orders; the courts granted 123. Skopje, Ohrid, and Tetovo courts reported that most of the motions requested orders for protection from physical violence. Gostivar and Kavadarci courts each reported one case of femicide. The Ohrid Basic Court sentenced one defendant to a two-year prison sentence for a femicide.

The government operated eight regional centers for victims of domestic violence that accommodated 34 victims during the year, of which 19 were women and 15 were children. In cooperation with the civil society sector, the government funds one center for victims of domestic violence and one crisis center, which cares for victims for 24 to 48 hours after an assault. A national NGO operated a hotline in both the Macedonian and Albanian languages and ran two crisis centers to provide temporary shelter for victims of domestic violence. According to the CSO National Network to End Violence against Women and Domestic Violence, government measures in March 2020 to respond to the COVID-19 pandemic deepened existing gender differences and pushed the burden of the crisis primarily onto women. Many of the measures remained in force during the year. Violence against women increased during the COVID-19 state of emergency, and access to support services decreased as a result of government-issued quarantine measures. CSOs opened hotlines in March 2020 to take calls from victims who were otherwise unable to access resources and reported receiving calls every day.

The Ministry of Labor's National Free Mobile SOS Line for Victims of Domestic Violence continued to operate throughout the year. The SOS Line and the campaign provided round-the-clock, accurate, timely, and confidential assistance, including information on victim protection, available services, and telephone counseling to victims of gender-based and domestic violence.

The ombudsman characterized the courts' sentences against convicted offenders as "overly lenient" and said they did not contribute to a reduction and elimination of severe forms of domestic violence nor provide sufficient protection to victims.

Sexual Harassment: The law prohibits sexual harassment in the workplace of both men and women and provides a sentencing guideline of three months to three years in prison for violations. When victims pursued legal remedies, the government effectively enforced the law. Nonetheless, sexual harassment of women in the workplace remained a problem, and victims generally did not bring cases forward due to fear of publicity and possible loss of employment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Women from rural areas had limited access to family planning counseling and gynecological services. Romani women faced barriers to accessing family planning counseling and gynecological services due to discrimination, high poverty levels, and the low numbers of family doctors and gynecologists in their communities.

In April with assistance from the Ministry of Health, a local medical specialist opened a primary care, out-patient gynecological practice in Shuto Orizari, providing easier access to medical care and family planning services to some 20,000 predominantly Romani women.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape. There were three centers for survivors of sexual violence in Skopje, Kumanovo, and Tetovo; during the year the centers were integrated with and funded by the state hospitals in each city. A shelter in Skopje for trafficking victims also provided reproductive health care.

Discrimination: Women have the same legal status as men under family, religious, personal status, and nationality laws, as well as laws related to labor, property, nationality, inheritance, employment, access to credit, and owning or managing businesses or property. The laws were effectively enforced. In some communities the practice of men directing the voting or voting on behalf of female

family members disenfranchised women.

No complaints were pending before the ombudsman or the Ministry of Labor and Social Policy for unequal treatment of women in political life as of August 31.

Systemic Racial or Ethnic Violence and Discrimination

The country has civil and criminal laws and affirmative action regulations to protect members of racial or ethnic groups from violence and discrimination. The constitution and laws refer to ethnic minorities as communities. According to the ombudsman's office, the smaller ethnic minorities except Serbs and Vlachs remained underrepresented in the civil service and other state and public institutions.

According to credible reports, members of the Romani community were subject of discrimination in some urban areas' public facilities and public infrastructure. The Commission for Prevention and Protection Against Discrimination took effective action to sanction those instances, issuing public warnings or imposing corrective measures. On September 25, the Ministry of Interior PSU suspended and then filed criminal charges against a police officer. On November 10, the Bitola Basic Court sentenced the police officer to one year in prison for using excessive force against a Romani citizen in September 2020.

On June 24, the European Court of Human Rights (ECHR) ruled against North Macedonia, finding a violation of the European Convention on Human Rights' Article 14 (Prohibition of Discrimination) in conjunction with Article 3 (Prohibition of Torture) in a case concerning a Romani applicant. The ECHR found that authorities failed to conduct an effective investigation into possible racist motives behind alleged physical abuse by members of the "Alpha" unit during a 2013 police intervention in a Romani neighborhood in Skopje.

Roma reported widespread societal discrimination. NGOs and international experts reported that employers often denied Romani applicants job opportunities, and some Roma complained of lack of access to public services and benefits. On April 7, to mark Roma Day, Prime Minister Zoran Zaev announced a 61 million denars (\$1.1 million) investment to support the government's Roma Strategy and the establishment of a Matching Fund for Romani Entrepreneurs with initial seed

funding of 122 million denars (\$2.2 million). Zaev also announced the government, in collaboration with the EU, secured 20 million denars (\$385,000) for a housing and social assistance project for 20 Romani families in Kochani.

On April 8, a group of protesters demanded local authorities reverse the decision to construct apartments for Romani families in Kochani. The protesters carried banners with slogans “Over our dead bodies”, and “There is no room for them here.” The Romani families whose housing was at issue have lived in military barracks in substandard conditions for more than two decades.

The Roma Movement AVAJA and Stanica 5 Association reported a case of discrimination against a group of Romani children who were not allowed into a public swimming pool in Prilep on June 24. The case was reported to the Commission for Prevention of and Protection against Discrimination. Prilep’s mayor and Roma-led CSOs condemned the event in a joint press conference on June 25. Subsequently, the commission found that the Prilep City Public Pool staff discriminated against this group of Romani children and recommended the pool management extend a public apology to the victims via traditional and social media within 30 days and provide antidiscrimination training to its staff or face misdemeanor charges. As of September 20, the commission also found the Skopje Public Bus Transportation Company’s staff had discriminated against Romani passengers on at least two separate occasions. The commission recommended the company provide antidiscrimination training to its staff.

Children

Birth Registration: The law determines citizenship primarily by the citizenship of the parents. It also allows orphans found in the country to obtain citizenship, unless authorities discover before the orphan reaches the age of 18 that his or her parents were foreigners. The government automatically registers the births of all children in hospitals and medical institutions, and the law requires that parents register the births of all children born in other places, including those born at home, with magistrate offices within 15 days of birth. Some Romani families delayed the registration of newborns, making it difficult for them to access educational, medical, and other benefits later in life due to lack of proper identity documents.

Education: The law provides for primary education in the Macedonian, Albanian, Turkish, Serbian, and Bosnian languages, and for secondary education in Macedonian, Albanian, and Turkish. Romani and Vlach children in some primary education schools are offered an elective subject studying their native languages and cultures. The number of minority students who received secondary education in their native language continued to increase.

In September press reported that parents of students in Brnjarci, Vizbegovo, and Idrizovo complained again that the Ministry of Education and Science and local governments did not provide an opportunity for their children to attend school in the Albanian language in their place of residence. Their children were provided transportation to a nearby village where they were able to receive instruction in their native language.

Child Abuse: There are laws against child abuse, and penalties for conviction include fines, imprisonment, and closure of businesses. Child abuse was a problem in some areas. The government operated a hotline for domestic violence, including child abuse. The Ministry of Interior registered 83 street children who were forced by their parents or other adults to beg, wash cars, or sell small items. All 83 children were referred to day-care centers for children at risk.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18. A court may issue a marriage license to persons between the ages of 16 and 18 if it finds them mentally and physically fit for marriage. Early and forced marriage occurred occasionally in the Romani community and, to a much lesser extent, in some Albanian communities. The Ministry of Labor and Social Policy documented 32 early marriages, in which one or both parties were 16 or 17 years old.

The Ministry of Health reported the pregnancy rate for girls and women between the ages of 15 and 19 in 2020 was 18.9 percent, while the birth rate for the same age group was 16.7 percent. The national birth rate is 4.9 percent.

Sexual Exploitation of Children: The law prohibits all forms of commercial sexual exploitation of children and provides penalties of 10 to 15 years in prison for violations. The law prohibits child pornography and provides penalties of five

to 15 years in prison for violations. Authorities enforced the law. The minimum age for consensual sex is 16.

Authorities considered child commercial sexual exploitation a problem but did not know its extent. As of December 1, the Center for Social Work and the Ministry of Interior identified five minor victims of trafficking, of whom three were victims of forced marriage, one of forced begging, and one of sexual exploitation. The country had an online registry, searchable by name and address, of convicted child traffickers and sex offenders that listed photographs, conviction records, and residential addresses. Offenders could ask authorities to remove them from the register 10 years after they completed their sentence, provided they did not commit a new offense.

As of June 30, the registry listed a total of 281 offenders (12 women and 269 men), seven of whom were sentenced during the year. As of September 3, 166 had been released from prison and the rest were serving prison sentences of between two and 20 years. One person was a fugitive.

Institutionalized Children: Since August 2020 children have been housed in small group homes with five to six children per home and 24-hour oversight by social workers and childcare providers. All orphans younger than three were in foster homes. The Ministry of Labor also took steps to shorten the time required to adopt orphaned or abandoned children. There were no reports of child abuse in these household accommodations during the year.

The educational-correctional facility for juveniles in Volkovija-Tetovo opened in November 2020 and housed 16 juveniles during the year. The Helsinki Committee for Human Rights attended the facility's opening and characterized it as a well-equipped and organized facility that fully met established criteria for accommodating juveniles and provided adequate rehabilitation and medical services.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child->

[Abduction/for-providers/legal-reports-and-data/reported-cases.html](https://www.state.gov/abduction-for-providers/legal-reports-and-data/reported-cases.html).

Anti-Semitism

The Jewish community assessed that approximately 250 Jewish persons resided in the country. The community reported no violent acts against them but said that during the escalation of conflict in Gaza, some of its members complained their children had been bullied for their Jewish identity, especially those attending international schools alongside the children of diplomats and businessmen from the Arab world.

Anti-Semitic speech and incidents in the country occurred rarely and sporadically, usually on social media. A March research paper by the NGO Metamorphosis on COVID-19-related disinformation in the country revealed disinformation and conspiracy theories also led to anti-Semitic and hate speech on the internet.

Some antivaccination protesters used the yellow Star of David symbol against government measures related to the COVID-19 pandemic, comparing their treatment by the government to the treatment of Jewish people in the Holocaust.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Persons with disabilities could not always access education, health services, public buildings, and transportation on an equal basis with others. The constitution and law protect the rights of persons with disabilities (physical, sensory, intellectual, and mental disabilities), including their access to education, employment, health services, information, communications, buildings, transportation, the judicial system, or other state services, but these legal requirements are not always enforced effectively. A separate law governs the employment of persons with disabilities and supplements the labor law. The law requires persons with physical or mental disabilities to obtain approval from a government medical commission to serve in supervisory positions in the private and public sectors. Disabilities'

experts maintained that this requirement violated persons with disabilities' right to equal treatment and employment based on merit.

The government does not have a strategic framework regarding the rights of persons with disabilities nor an action plan for effective implementation of the comprehensive strategy on deinstitutionalization. Persons with disabilities and their families experienced stigmatization and segregation due to entrenched prejudice and lack of information, including to some information communicated by the government due to lack of accessible formats.

During the pandemic, persons with disabilities were marginalized and their needs were not addressed, according to disability NGO Inklusiva, other NGOs, and the ombudsman. COVID-19 information and vaccine application web sites were not provided in formats accessible to persons with sensory disabilities and most COVID-19 testing facilities were inaccessible for persons with physical disabilities.

On September 15, parliament amended the electoral code to permit persons with some types of intellectual disabilities to vote, provided their right to vote had not been removed by court order.

The law establishes accessibility standards for new buildings; existing public structures were to be made accessible for persons with disabilities by the end of 2015. NGOs reported many public and government buildings and other infrastructure, including shelters for victims of violence did not comply with the law. Although all buses purchased since 2013 by the government for Skopje were accessible to persons with physical disabilities, in practice many buses remained inaccessible due to insufficient maintenance, a lack of training, and the failure to sanction drivers who sometimes refused to extend the ramps. Public transportation remained largely inaccessible outside of Skopje.

The Ministry of Education and Science made efforts to provide suitable support to enable children with disabilities to attend mainstream schools. The 2019 Primary Education Law mandates inclusion of children with disabilities in regular/mainstreamed schools and envisages transforming "special" schools into resource centers for teachers, parents, and students. Nonetheless, most schools

remained unprepared to implement the law, and continued to struggle to provide appropriate support to children with disabilities, despite the Ministry of Education's efforts. Most schools remained inaccessible for persons with physical disabilities and lacked wheelchair accessibility ramps, accessible toilets, and elevators. Advocates reported the 2019 law benefited children with autism, as there was more mainstream acceptance of their presence in schools, where they were often accompanied by teaching assistants. Despite some progress, many students with disabilities continued to attend separate schools. There were no reports of violence, harassment, or intimidation targeted at persons with disabilities.

HIV and AIDS Social Stigma

Social stigma and discrimination against persons living with HIV and AIDS remained a problem.

The Ministry of Health did not include people living with HIV in the categories of citizens with priority for COVID-19 vaccination, despite CSOs' written request for their inclusion. The pandemic exacerbated systemic problems of social exclusion, limited access to public services and justice, and inadequate protection from discrimination and violence against people living with HIV. Restrictions on movement and public transportation directly affected people living with HIV, especially those residing outside the capital, as health care for this group is centralized and antiretroviral therapy is administered only in the State Clinic for Infectious Diseases and Febrile Conditions in Skopje. The organizations for support of people with HIV, in cooperation with the Clinic for Infectious Diseases, supported free distribution of antiretroviral therapy to all HIV patients in need, and particularly to those living outside the capital.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution and law prohibit discrimination based on sexual orientation and gender identity. When victims filed complaints, the government generally enforced the law.

The lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community remained marginalized and activists supporting LGBTQI+ rights reported incidents of societal prejudice, including hate speech. The antidiscrimination law explicitly protects individuals against discrimination based on sexual orientation and gender identity in education, employment, housing, and health care; there is no protection against hate speech based on sexual orientation or gender identity within the criminal code and other laws covering freedom of expression.

As of November 26, the State Commission for Prevention of and Protection against Discrimination had reviewed nine complaints alleging discrimination based on gender or sexual orientation. The commission determined there was sufficient evidence to substantiate five of the nine claims and recommended corrective action to the responsible entities. The committee's recommendations included public apologies to the concerned individuals and obliging employers to provide sensitivity training to staff. One of the cases, brought forward by the CSO Coalition Margins, involved a transgender woman who was discriminated against in a pharmacy. The commission recommended the pharmacy conduct training for its employees on working with LGBTQI+ clients.

In June ahead of the Skopje Pride Parade, Minister of Agriculture, Forestry and Water Economy Arjanit Hoxha made a public statement that characterized LGBTQI+ persons as "immoral" and "unhealthy." The NGO Subversive Front complained, noting among other things that the minister's comments could instill fear among LGBTQI+ persons in coming out to their family members.

There were no involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals. Conversion therapy is practiced, but information about specific cases rarely reached advocates. Activists reported psychologists and other educational professionals in schools often asked LGBTQI+ students to conform to heteronormative standards and to act in accordance with the roles expected of the gender they were assigned at birth.

Violence against members of the LGBTQI+ community remained an issue. Coalition Margins documented 29 violations of LGBTQI+ persons' rights, including 18 cases of hate speech. Two of the documented cases that likely

constituted hate crimes were reported to the police. On his way home after the Pride Parade, one participant was physically attacked because of his sexual orientation. The case was reported to the police. The attack was recognized as a hate crime, but no information was available on any subsequent prosecution. In another case, a couple reported being attacked in a city park, but alleged the police refused to register their complaint. Police wrote in the report that the victims were “two female friends,” not a couple. Other reported cases involved homophobic and sexual harassment in the workplace and domestic violence. On November 29, LGBTQI+ and other human rights activists protested before the Public Prosecutor’s Office for lack of an investigation into five separate attacks in 2012 and 2013 against LGBTQI+ individuals, including a violent attack against an LGBTQI+ activist, and the demolishing of an LGBTQI+ community center in Skopje. According to the LGBTQI+ community, the impunity of the attacks instilled fear among LGBTQI+ individuals and incited direct and public threats against members of this community and their families and friends.

In June local CSOs organized the third annual Skopje Pride parade. Government officials, including the president and the ministers of defense, education, culture, and social policy, participated in pride events. Opposition politicians did not participate, and opposition party VMRO-DPMNE issued a statement accusing the government of hypocrisy by supporting the parade on account of it “brutally violating” the fundamental rights of other citizens. Pride events coincided with a rise in incidents of hate speech and targeting of LGBTQI+ individuals. Seven cases were reported to the police and public prosecutors. As of October 4, none of these cases had been processed by the authorities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. Trade unions are based on voluntary membership, and activities are financed by membership dues. Approximately 22 percent of employees were union members.

Union representatives, except a few branch unions, claimed they were generally not free from the influence of government officials, political parties, and employers.

The law requires federated unions to register with the Ministry of Labor and with the State Central Registry.

A court of general jurisdiction may terminate trade union activities at the request of the registrar or competent court when those activities are deemed to be “against the constitution and law.” There are no nationality restrictions on membership in trade unions, although foreign nationals must have a valid work permit and be employed by the company or government body listed on the permit. Although legally permitted, no unions operate in the free economic zones.

The government and employers did not always respect freedom of association, the right to strike, and the right to collective bargaining. Unions cited as evidence the law’s “exclusionary” provision, which allowed employers to terminate up to 2 percent of workers from collective bargaining negotiations during a strike. Collective bargaining is restricted to trade unions that represent at least 20 percent of the employees and employers’ associations that represent at least 10 percent of the employers at the level at which the agreement is concluded (company, sector, or country). Government enforcement resources and remediation were inadequate. Penalties for violations were commensurate with those of other laws involving the denial of civil rights. Administrative and judicial procedures were generally subject to lengthy delays.

The law covers all workers legally employed by employers that are duly registered with the government and does not discriminate against foreign workers or migrants who are legally employed in the country. During the year the Ministry of Labor’s State Labor Inspectorate (SLI) did not receive any complaints regarding violations of the right to union organization and freedom of association. Workers often feared reprisal and refrained from filing complaints directly with the Ministry of Labor. Where applicable, workers would sometimes have unions file complaints on their behalf.

As of August 20, the SLI had received one complaint from the Confederation of

Free Trade Unions (KSS) alleging the Ministry of Labor failed to respond to their application to be recognized as a representative union with authority to negotiate branch collective agreements. The ministry reported it denied the KSS application because it failed to demonstrate KSS met the legally required threshold for workforce representation.

The ombudsman received nine complaints from the Macedonian Police Union, alleging some officers were re-assigned to perform tasks outside of the scope of their job description for periods longer than legally prescribed. The union submitted a complaint on behalf of a police officer alleging he was the subject of a frivolous disciplinary action. Separately, the ombudsman received a complaint from Ministry of Interior employees alleging the ministry, at the union's request, started to withhold union membership fees from members' salaries without members having voted on it. The ombudsman's inquiries into the complaints were pending as of August 20.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, and the government largely enforced applicable laws. The law prescribes imprisonment, which applies to violations of forced labor laws or for the destruction or removal of identification documents, passports, or other travel documents. Penalties for violations were commensurate with those for other serious crimes. There were instances in which women and children were subjected to forced labor, such as peddling small items in restaurants and bars, and sexual exploitation. Some Romani children were subject to forced begging, often by relatives (see section 7.c.).

The SLI conducted regular inspections to verify compliance with labor laws, issued warnings and fines, and sanctioned businesses. The government did not operate a hotline, but the Ministry of Interior managed an application to report various offenses, including trafficking; the application received three trafficking-related reports. The government did not make efforts to reduce the demand for commercial sex.

Also see the Department of State's annual *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The government has laws and regulations related to child labor, including prohibiting the worst forms of child labor. The government made efforts to enforce the law in the formal economy but did not do so effectively in the informal economy. Gaps exist in the country's legal framework to protect children adequately from labor abuses, including the worst forms of child labor, and the minimum age for work. The minimum age for employment is 15. Children may begin work at 14 as apprentices or as participants in official vocational education programs, and in cultural, artistic, sports, and advertising events. The law prohibits employing minors younger than 18 in work that is detrimental to their physical or psychological health, safety, or morality. It also prohibits minors from working at night or more than 40 hours per week.

The Ministry of Labor's SLI is responsible for enforcing laws regulating the employment of children. Police and the ministry, through centers for social work, shared responsibility for enforcing laws on child trafficking, including forced begging. The government did not effectively enforce the law, although penalties for violations were commensurate with those for analogous serious crimes.

There were no reports of children younger than 18 unlawfully engaged in the formal economy. During inspections at some family-run businesses, the SLI noted minor children assisting in the work, most commonly in family run handicrafts and retail businesses, as well as on farms.

Child labor occurred in agriculture, domestic work, and in bars and nightclubs. Some children in the country engaged in forced begging, cleaning windshields, scavenging, or selling cigarettes or other small items in open markets, on the street, or in bars and restaurants at night. Although the necessary laws were in place, government efforts to eliminate forced begging by children were largely ineffective. Children involved in these activities were primarily Romani, Ashkali, and Balkan-Egyptian and most often worked for their parents or other family members. Despite enforcing legal remedies, such as temporary removal of parental rights, criminal charges, and revoking parental rights of repetitive

offenders, officials were largely ineffective in preventing this continuous practice, and Romani children remained vulnerable to exploitation and forced labor.

During the year, the ombudsman continued to raise concerns about child begging and criticized the Centers of Social Work and the Ministry of Labor and Social Policy's measures as inadequate to overcome a persistent phenomenon that violates children's rights.

The Ministry of Labor operated a call center where child abuse can be reported, and most reports referred to cases of street begging. The ministry also funded two day-care centers that provided education, medical, and psychological services for children who were forced to beg on the street.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations generally prohibit discrimination based on race, sex, gender identity, color, disability, health status, political opinion, religion, age, national origin, language, or social status. The law does not specifically address discrimination based on HIV or other communicable disease status but does refer to the health status of employees. The government did not always enforce the laws effectively, although penalties for violations were commensurate with those of other laws related to civil rights.

Despite government efforts and legal changes for mandatory inclusion in primary and high school education, Roma continued to live in segregated groups without proper health and social protection, mostly due to lack of registration documents. Data from the national employment agency showed that due to low participation in the education system, particularly higher education, Roma generally had difficulties finding jobs in the formal economy. Women's wages lagged those of men, and few women occupied management positions. Under the law, women are prohibited from working in certain "high risk" and "physically demanding" positions in the mining and construction industries. The government made efforts to prevent discrimination in hiring and access to the workplace for persons with disabilities.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law sets a minimum wage in all sectors, which is below the poverty income level.

The total number of labor inspectors was adequate to investigate violations of labor law. Labor inspectors have the authority to make unannounced inspections and initiate sanctions. Inspections, however, were not adequate to ensure compliance, due, in part, to an inadequate regional distribution of inspectors.

The law establishes a 40-hour workweek with a minimum 24-hour rest period, paid vacation of 20 to 26 workdays, and sick-leave benefits. Employees may not legally work more than an average of eight hours of overtime per week over a three-month period or 190 hours per year. According to the collective agreement for the private sector between employers and unions, employees in the private sector have a right to overtime pay at 135 percent of their regular rate. In addition, the law entitles employees who work more than 150 hours of overtime per year to a bonus of one month's salary.

During the year the SLI filed complaints against businesses that forced employees to work long hours without the rest breaks required by law; nonpayment of salaries, benefits, and overtime; and cutting employees' vacation. Violations in wage and overtime were most common in the textile, construction, railroad, and retail sectors.

Minimum wage, hours of work, and occupational safety and health standards were not effectively enforced. Penalties for violations were commensurate with those for other similar crimes. Many employers hired workers without complying with the law, and small retail businesses often required employees to work well beyond legal hourly limits. While workers have the legal right to remove themselves from situations that endanger their health or safety without jeopardy to their future employment, employers did not always respect this right, reportedly due to the high unemployment rate.

In a whole-of-government response to the economic impacts of COVID-19, the government adopted a series of economic and social measures to help businesses and employees. The measures included instituting physical distancing measures in

workplaces, providing subsidies to private-sector businesses to retain their employees, and allowing one parent of children up to the age of 10 to stay home without financial penalty.

In 2020 the SLI found 129 employment rights violations involving salaries and benefits as well as work performance. SLI issued 120 warnings and nine orders for mitigation measures. It endorsed one settlement.

Occupational Safety and Health: The law outlines fundamental principles on prevention of occupational injuries, occupational diseases, and work-related illnesses, and complies with international standards and practices. Employers are responsible for assessing risks their employees face on the job. The law requires employers to appoint an occupational safety and health (OSH) officer or contract a licensed company to implement OSH standards. As of November the Ministry of Labor and Social Policy had issued 55 licenses to OSH companies.

The law allows workers to remove themselves from situations that endanger their health or safety without jeopardizing their employment. There were no reports available alleging employees lost jobs for removing themselves from dangerous situations while at work.

The Ministries of Labor and Health, the SLI, and State Inspectorate for Technical Inspection are responsible for implementing pertinent laws. The SLI has an OSH Department with three regional offices, but they are understaffed and lack adequate training and modern equipment.

As of August 30, the SLI received 63 complaints related to occupational safety and health. For each documented irregularity, SLI imposed reprimands or temporary closures and oversaw compliance with implementation of its decisions.

Through August SLI registered eight fatal workplace injuries. In all cases, state labor inspectors inspected the scene, prepared a report, and took measures in accordance with the law. These incidents resulted in misdemeanor or criminal charges against the decedents' employers.

According to the Macedonian Occupational Safety Association, in 2020 there were 152 workplace injuries, of which 25 led to death. Most fatal accidents occurred in

the category of household activities, which included farming and use of agricultural equipment, followed by the construction sector.

Informal Sector: Although the government set occupational safety and health standards for employers, those standards were not enforced in the informal sector. The informal sector of the economy is estimated to account for approximately 22 percent of employment. Many workers in the informal sector were male and included young people as well as retired persons working in the agricultural sector. After agriculture, construction and commerce were thought to be the sectors of the economy with the most informal workers. In September the Ministry of Finance and the UN Development Program launched a Public Finance Management Reform Project designed to identify the main causes driving employment in the informal economy and to map out precisely sectors where it is most prevalent.